

**RESOLUTION NO. 95-119**

**BEFORE THE CITY COUNCIL OF THE CITY OF LODI, CALIFORNIA**

**A RESOLUTION OF INTENTION TO ACQUIRE AND/OR CONSTRUCT  
IMPROVEMENTS AND TO REFUND PRIOR BONDS ISSUED**

**LODI CENTRAL CITY REVITALIZATION ASSESSMENT DISTRICT NO. 95-1**

The City Council of the City of Lodi, California hereby finds and determines that the public interest, convenience and necessity require, and that it is the intention of this Council to order:

(a) the acquisition and/or construction of the improvements hereinafter described in proceedings under the California Streets and Highways Code (the "Code"), the Municipal Improvement Act of 1913, Division 12 (commencing with § 10000);

(b) to comply with the requirements of the Special Assessment Investigation, Limitation and Majority Protest Act of 1931, Division 4 of the Code, by proceeding under Part 7.5 thereof (commencing with § 2960);

(c) to refund the outstanding bonds, Series 1984-1 dated May 24, 1984 (the "Prior Bonds"), issued by the City and secured by assessments on a portion of the property within the district proposed to be formed to take advantage of the lower interest rates available in the current market; and

(d) to levy an annual assessment for the cost of the administration and collection of assessments, and registration and payment of bonds to be issued.

NOW, THEREFORE, IT IS HEREBY RESOLVED, DETERMINED AND ORDERED by the City Council of the City of Lodi, California, that:

1. Whenever any public way is herein referred to as running between two public ways, or from or to any public way, the intersections of the public ways referred to are included to the extent that work shall be shown on the plans to be done therein.

2. The streets and highways are more particularly shown in the records on file in the office of the County Recorder of San Joaquin County, California, and are shown upon the plans herein referred to and filed with the City Clerk.

3. All of the work and improvements are to be constructed at the places and in the particular locations, of the forms, sizes, dimensions and materials, and at the lines, grades and elevations as shown and delineated upon the plans, profiles and specifications to be made therefor, as hereinafter provided.

4. There is to be excepted from the work herein described any of such work already done to line and grade and marked excepted or shown not to be done on the plans, profiles and specifications.

5. The improvements to be acquired and/or constructed herein are more particularly described in Exhibit A, hereto attached and incorporated herein by this reference.

6. In many cases the work and improvements may bring the finished work to a grade different from that formerly existing, and that to said extent the grades are hereby changed and that the work will be done to said changed grades. It is hereby determined that to eliminate any disparity in level between the improvements and private property, it is in the public interest and more economical to do such work on private property than to adjust the work on public property.

7. The official grades for the work are hereby adopted and established as the grades and elevations to be shown upon the plans, profiles and specifications. All such grades and elevations are to be in feet and decimals thereof with reference to the datum plane of the City.

8. The description of the acquisitions and/or improvements and the termini of the work contained in this Resolution are general in nature. All items of work do not necessarily extend for the full length of the description thereof. The plans and profiles of the work and maps and descriptions, as contained in the Engineer's report, shall be controlling as to the correct and detailed description thereof.

9. The contemplated acquisition and/or construction of improvements, in the opinion of this Council, are of more than local or ordinary public benefit, and the costs and expenses thereof are made chargeable as hereinafter set forth upon an assessment district, the exterior boundaries of which district are delineated upon a map thereof, entitled, "Proposed Boundaries of Lodi Central City Revitalization Assessment District No. 95-1," on file with the City Clerk, to which reference is hereby made for further particulars. This map indicates by a boundary line the extent of the territory included in the proposed district and shall govern for all details as to the extent of the assessment district.

10. All public streets and highways and other publicly owned property within the assessment district in use in the performance of a public function as such shall be omitted from the assessment hereafter to be made to cover the costs and expenses of the acquisition and/or construction of improvements.

11. Serial and/or term bonds to represent unpaid assessments, and bear interest at a rate not to exceed twelve percent (12%) per annum, shall be issued pursuant to The Improvement Bond Act of 1915 (the "Bond Act"), Division 10 of the Code, and that the applicable provisions of Part 11.1 thereof, providing an alternative procedure for the advance payment of assessments and the calling of bonds, shall apply. The last installment of such bonds shall mature not to exceed twenty-four (24) years from the

second day of September next succeeding twelve (12) months from their date, principal and interest to be reasonably amortized, the proceeds of the bonds to be invested and interest thereon paid into the redemption fund of the bonds.

12. A special reserve fund as provided in Part 16 of said Act shall be required in an amount to be determined upon the issuance and sale of the bonds. This Council hereby covenants with the holders of such bonds to be issued herein that it will, within a reasonable time following the due date of any delinquent installment of assessments securing the bonds, commence and thereafter diligently prosecute to completion a foreclosure action regarding such delinquent installment of assessment.

13. The City will not obligate itself to advance available funds from the city treasury to cure any deficiency which may occur in the bond redemption fund. Such determination shall not prevent the City, in its sole discretion, from so advancing funds.

14. Except as herein otherwise provided for the issuance of bonds, all of the improvements shall be done pursuant to the provisions of The Municipal Improvement Act of 1913, Division 12 of the Code.

15. The City Council intends to comply with the requirements of the Special Assessment Investigation, Limitation and Majority Protest Act of 1931, Division 4 of the Code, by proceeding under Part 7.5 thereof (commencing with § 2960).

16. In the opinion of this Council, the public interest will not be served by allowing the property owners to take the contract for the construction of the improvements, and that, pursuant to Section 10502.4 of the Code, no notice of award of contract shall be published.

17. The proposed acquisition and/or construction of improvements and the refunding of the Prior Bonds are hereby referred to Kjeldsen, Sinnock & Neudeck, Inc., of Stockton, California, as Engineer of Work, a competent firm employed by the City for that purpose; and the Engineer is hereby directed to make and file with the City Clerk a report in writing, presenting the following:

(a) Maps and descriptions of the lands and easements, and a general description of any works or appliances to be acquired;

(b) Plans and specifications of any proposed improvements to be constructed, as prepared by the Design Engineer;

(c) A statement of the itemized and total estimated costs and expenses of the acquisitions and/or improvements and the refunding of the Prior Bonds and of the incidental expenses in connection therewith;

(d) A diagram showing the assessment district and the boundaries and dimensions of the respective subdivisions of land within the assessment district as the same existed at the time of the passage of this Resolution of Intention, each of which

subdivisions, including each separate condominium interest as defined in Section 783 of the Civil Code of the State of California, shall be given a separate number upon the diagram;

(e) The total amount, as near as may be determined, of the total principal sum of all unpaid special assessments, and special assessments required or proposed to be levied under any completed or pending assessment proceedings, other than that contemplated in the instant proceedings, which would require an investigation and report under Division 4 of the Code against the total area proposed to be assessed.

(f) The total true value, as near as may be determined, of the parcels of land and improvements which are proposed to be assessed. Total true value may be estimated as the full cash value of the parcels as shown upon the last equalized assessment roll of the county. Alternatively, total true value may be determined by other reasonable means, including, but not limited to, by adjusting the value shown on the last equalized assessment roll to correct for deviations from market value due to Article XIII A of the California Constitution.

(g) A proposed assessment of the total amount of the costs and expenses of the proposed acquisitions and/or improvements upon the several subdivisions of land in the district in proportion to the estimated benefits to be received by such subdivisions, respectively, from the acquisition and/or construction of improvements, from the call of the Prior Bonds, and of the expenses incidental thereto.

(h) A proposed maximum annual assessment upon each of the several subdivisions of land in the district to pay costs incurred by the City and not otherwise reimbursed for the administration and collection of assessments or from the administration or registration of the bonds issued and reserve or other related funds.

18. If any excess shall be realized from the assessment, it shall be used in such amounts as the Council may determine, in accordance with the provisions of law for one or more of the following purposes:

(a) Transfer to the general fund of the City, provided that the amount of any such transfer shall not exceed the lesser of \$1,000 or 5% of the total amount expended from the improvement fund;

(b) As a credit upon the assessment and any supplemental assessment in accordance with the provisions of Section 10427.1 of the Streets and Highways Code;

(c) To reimburse the City for any contributions or advances to or for the construction fund that were not pledged in this Resolution of Intention;

(d) For the maintenance of the improvements or a specified part thereof;

(e) To call bonds and related acts, as set forth in Section 10427 of the Code, thereby reducing outstanding assessments and subsequent assessment installments and cause any assessment previously paid in cash to receive a credit in cash.

19. The areas contained within the proposed assessment district are the properties which will be benefited by the improvements and the issuance of bonds, and that the public interest and convenience require, and that it is the intention of this Council that a maximum amount of two percent (2%) of the annual installment of principal and interest on the bonds issued will be added to each annual installment of the unpaid assessments to reimburse the City for costs incurred in the registration, administration and collection of the amounts due on the bonds issued against unpaid assessments and the payments to be made on the bonds.

DATED: September 20, 1995

I, JENNIFER M. PERRIN, City Clerk of the City of Lodi, do hereby certify that Resolution No. 95- 119 was passed and adopted at a regular meeting of the City Council of the City of Lodi, held September 20, 1995, by the following vote:

AYES: Councilmembers - Davenport, Pennino, Sieglock, Warner  
and Mann (Mayor)

NOES: Councilmembers - None

ABSENT: Councilmembers - None

ABSTENTIONS: Councilmembers - None

  
JENNIFER M. PERRIN, City Clerk

**LODI CENTRAL CITY REVITALIZATION ASSESSMENT DISTRICT NO. 95-1**

**EXHIBIT A - Description of Improvements**

**Project "A" Downtown Area** - The installation of new sidewalks and curb returns (bow cuts), street lighting, street trees, information kiosks, gateway structure and various pedestrian amenities, together with related electrical and irrigation facilities, along School Street from Lodi Avenue to Locust Street and on Pine and Oak Streets from Church Street to Sacramento Street.

**Project "B" Cherokee Lane Area** - The installation of a new street lighting system with new poles and fixtures at approximately 120 feet on center, each side of the street, and a landscaped median with openings at fourteen locations, together with related electrical and irrigation facilities, along Cherokee Lane from south of Almond Drive to Pioneer Drive.

The improvements shall also include the acquisition of all lands and easements necessary for such installation and the doing of any and all work auxiliary to any of the above and necessary to complete the same.